IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 14659 of 2004

Between:

Pedda Barugu Subba Ramanna, S/o. Uttaiah,
R/o. Sambepalli Bandameedha, H/o. Sambepalli Village & Mandal,
Kadapa District.

..... PETITIONER

AND

1. The Revenue Divisional Officer, Kadapa District.
2. The Mandal Revenue Officer, M.R.O. Office, Sambepalli, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction or an order, or a writ more particularly one in the nature of writ of Mandamus, declaring the proceedings issued by the 1st respondent vide Ref. C/560/2004, dt. 5-8-2004 (order copy received by petitioner on 16-8-2004) and suspending the licence of the petitioner Sambepalli(In-charge, Regadakunta) is illegal, arbitrary, ultra-vires, without sanction or authority of law and consequently set-aside the impugned order.

Counsel for the Petitioner:MR.S.S.BHATT

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioner is the authorized dealer of the fair price shop of Sambepalli Village.

This writ petition is filed aggrieved by the proceedings of the Revenue Divisional Officer, Kadapa dated 05.08.2004, whereunder the authorization of the petitioner was suspended pending enquiry.

A perusal of the said order shows that the Mandal Revenue Officer, Sambepalli submitted a report dated 28.07.2004 stating that on the basis of an adverse news item published in Eenadu dated 25.07.2004 against the petitioner he made an enquiry which revealed that the petitioner misused 125 quintals of 'Food for Work' Rice without distribution to the Labour and sold away in black-market. On the basis of the said report, the impugned proceedings dated 05.08.2004 have been passed suspending the authorization of the petitioner.

This Court, while directing notice to the respondents, by order dated 18-08-2004 granted interim direction to the respondents to release the essential commodities for the month of August, 2004.

In the counter-affidavit filed on behalf of the respondents, it isstated that the Mandal Revenue Officer, Sambepalli Mandal during his inspection of the petitioner's shop on 28-07-2004 seized the stocks of rice meant for distribution to the Labour under the 'food for work' programme under a cover of panchnama. Though a notice was issued to the petitioner on 28-07-2004 to produce the relevant accounts, the same could not be served on him since he was not available in the village. The enquiry made by him revealed that the petitioner has indulged in malpractices and the rice stock of 125 quintals meant for distribution to the labour under 'food for work' scheme was diverted to black-market. In the circumstances, the authorization of the petitioner was suspended by the first respondent vide proceedings dated 05-08-2004 pending further enquiry.

Thus, it is clear that the enquiry is pending against the petitioner with regard to the allegations as specified in the impugned order dated 05-08-2004. Though the learned Counsel for the petitioner raised various grounds contending that the allegations made against the petitioner are false and without any basis, I am not inclined to express any opinion with regard to the correctness of the said allegations which require a detailed enquiry on appreciation of the evidence that may be placed by the petitioner to substantiate his pleas.

Having regard to the nature of the allegations made which include the diversion of 'food for work' rice to the black-market, I do not find any substance in the contention of the learned Counsel for the petitioner that the suspension of authorization pending enquiry is not warranted. In the circumstances, the relief as prayed for cannot be granted. Instead, I deem it appropriate to dispose of the writ petition with a direction to the first respondent – Revenue Divisional Officer, Kadapa district to complete the enquiry initiated against the petitioner as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order.

Accordingly, the Writ Petition is disposed of. No costs.

_____

25.10.2004

Note: Issue C.C. in one week.

(B/O)

sh

To

1. The Revenue Divisional Officer, Kadapa District.
2. The Mandal Revenue Officer, M.R.O. Office, Sambepalli, Kadapa District.

3. 2CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad.

4. 2CD copies.